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No.: ICC-01/04-02/06

Date: 14 October 2016

TRIAL CHAMBER VI

Before: Judge Robert Fremr, Presiding Judge
Judge Kuniko Ozaki
Judge Chang-ho Chung

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**IN THE CASE OF
*THE PROSECUTOR v. BOSCO NTAGANDA***

**Public
with Confidential Annex A**

Prosecution's Communication of the Disclosure of Evidence

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

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Counsel for the Defence

Mr Stéphane Bourgon
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Legal Representatives of Victims

Ms Sarah Pellet
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Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

The Office of Public Counsel for Victims

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations Other
Section**

Introduction

1. The Office of the Prosecutor (“Prosecution”) provides notice of the disclosure of incriminating evidence pursuant to articles 64(3)(c) and 67(1)(a) and (b) of the Rome Statute (“Statute”) and material falling within the scope of rule 77 of the Rules of Procedure and Evidence (“Rules”).

Disclosure of evidence

2. On 5 October 2016, the Prosecution disclosed a total of 32 items, including 6 items as incriminating evidence and 26 items under the provision of rule 77.
3. The Prosecution lifted certain redactions and re-disclosed (1) Witness P-0792’s statement with three annexes and (2) P-0120’s statement.
4. The Prosecution also disclosed, as incriminating evidence, (1) the French translation of a video¹ and (2) one document related to Witness P-0365.
5. Lastly, the Prosecution disclosed, under rule 77, (1) twenty-two documents related to P-0154,² (2) a document mentioning Witness P-0365, (3) the witness preparation session log and disclosure note for Witness P-0245 and (4) the handwritten notes Witness P-0245 took during witness preparation.
6. Consistent with its standard practice, the Prosecution transmitted these items to the Registry for uploading into e-Court on the same day. While the 26 items disclosed under the provision of rule 77 were immediately accessible to the Chamber, Parties and participants, the 6 items that were disclosed as

¹ DRC-OTP-0127-0061.

² Advance copies of twenty-one of the twenty-two documents related to P-0154 were provided to the Defence on 30 September 2016 and 4 October 2016.

incriminating evidence only became accessible at a later stage due to a technical issue.³

7. The Prosecution appends the list of the evidence disclosed in Confidential Annex A.

Confidentiality

8. Pursuant to regulation 23*bis* (2) of the Regulations of the Court, the annex to this document is classified as confidential because it references material that was disclosed confidentially.



Fatou Bensouda
Prosecutor

Dated this 14th day of October 2016
At The Hague, The Netherlands

³ The Prosecution has not yet received the Registry's explanation for this technical issue.